

11-23-01

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jc997 U.S. PTO
09/990596
11/21/01

BOX PATENT APPLICATION
ASSISTANT COMMISSIONER FOR PATENTS
WASHINGTON, DC 20231

Express Mail No.: EL 744195021 US

Attorney Docket No.: 0992662-XXXX

(BWH 0402 DIV CON 1)

Date Filed: November 21, 2001

UTILITY PATENT APPLICATION TRANSMITTAL

(for new nonprovisional applications under 37 C.F.R. § 1.53(b))

Dear Sir:

Please find enclosed a patent application and papers as follows for:

Inventor(s):

Given Name (first and middle) Family Name or Surname Residence

Jeffrey M.	Drazen	Winchester, Massachusetts
Vernon M.	Chinchilli	Elizabethtown, Pennsylvania
Richard	Martin	Englewood, Colorado
Robert	Lemanske	Madison, Ohio
Jean G.	Ford	Newark, New Jersey
James E.	Fish	Gladwyne, Pennsylvania
Homer	Boushey	San Francisco, California

Title of the Invention: DIAGNOSING ASTHMA PATIENTS PREDISPOSED TO ADVERSE
β-AGONIST REACTIONS

09990596 11/21/01

A) APPLICATION ELEMENTS:

- 1) ☒ **Fee Transmittal Form** (original and duplicate submitted for fee processing)
- 2) ☐ **Applicant Claims Small Entity Status** (see 37 CFR §1.27)
- a) ☐ Statement Verifying Small Entity Status (optional)
- 3) ☒ **Specification** TOTAL PAGES: 40
- Descriptive Title of the Invention
 - Cross References to Related Applications (if applicable)
 - Statement Regarding Federally Sponsored R & D (if applicable)
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Summary of the Invention
 - Description of the Drawing (if filed)
 - Detailed Description of the Invention
 - Claim(s)
 - Abstract of the Invention
- 4) ☒ **Drawing(s)** (35 U.S.C. § 113) TOTAL SHEETS: 3
- a) ☒ Formal Drawings (if checked)
- 5) ☒ **Oath or Declaration** TOTAL PAGES: 21
- a) ☐ Newly Executed (original or copy)
- b) ☒ Copy from a prior application (37 C.F.R. § 1.63(d))-for continuation/divisional application
- i) ☐ Deletion of inventor(s): Signed Statement deleting inventor(s) named in the prior application, see 37 C.F.R. §§ 1.63(d)(2) and 1.33(b).
- c) ☐ Unexecuted
- 6) ☐ **Application Data Sheet**. See 37 CFR 1.76.
- 7) ☐ **CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)**
- 8) ☐ **Nucleotide and/or Amino Acid Sequence Submission** (if applicable, all are necessary)
- a) ☐ Computer Readable Form (CRF)

- b) ☐ Specification Sequence Listing on:
- i) ☐ CD-ROM or CR-R (2 copies); or
- ii) ☐ Paper
- c) ☐ Statements verifying identity of above copies

B) ACCOMPANYING APPLICATION PARTS:

- 9) ☐ **Assignment Papers** (copies of cover sheets & documents copies from prior application)
- 10) ☐ **37 C.F.R. § 3.73(b) Statement** (when there is an assignee)
- 11) ☒ **Power of Attorney** (copies from prior application)
- 12) ☐ **English Translation Document** (if applicable)
- 13) ☐ **Information Disclosure Statement (IDS)/PTO-1449**
- 14) ☐ **Copies of IDS Citations**
- 15) ☐ **Preliminary Amendment**
- 16) ☒ **Return Receipt Postcard (MPEP 503)** (specifically itemized)
- 17) ☐ **Certified Copy of Priority Document(s)** (if foreign priority is claimed)
- 18) ☐ **OTHER:** (if applicable, specified below)

C) FOR CONTINUING APPLICATIONS: (the appropriate box is checked, and certain information is provided below and in a preliminary amendment)

☒ CONTINUATION ☐ DIVISIONAL ☐ CONTINUATION-IN-PART (CIP)

OF PRIOR APPLICATION NO: 09/276,232

FILED: MARCH 25, 1999

EXAMINER: MYERS, C.

GROUP/ART UNIT: 1655

09990596-112101

FOR CONTINUATION OR DIVISIONAL APPLICATIONS ONLY: THE ENTIRE DISCLOSURE OF THE PRIOR APPLICATION, FROM WHICH AN OATH OR DECLARATION IS SUPPLIED AS DETAILED ABOVE, IS CONSIDERED A PART OF THE DISCLOSURE OF THE ACCOMPANYING CONTINUATION OR DIVISIONAL APPLICATION AND IS HEREBY INCORPORATED BY REFERENCE.

D.) PRIORITY CLAIM(S):

This application claims the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America listed below:

09/276,232	March 25, 1999	abandoned
Application Number	Filing Date	Status
08/811,441	March 3, 1997	issued
Application Number	Filing Date	Status
Application Number	Filing Date	Status

PCT Applications designating the United States:

Application Number	Filing Date	Status
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This application claims the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below:

Provisional Application(s):

Application Number	Filing Date	Status
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E) METHOD OF PAYMENT OF FILING FEES FOR THIS APPLICATION:

☐ Applicant claims small entity status 37 CFR §1.27

☒ A check is enclosed to cover the filing fees as determined on the fee transmittal enclosed herewith

X The commissioner is hereby authorized to charge filing fees or credit any overpayment to deposit account number 03-1721.

Total filing fee amount \$ 710.00

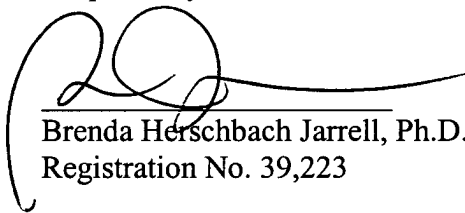
F) CORRESPONDENCE ADDRESS:

X Customer Bar Code Label: _____

X Correspondence Address:

Brenda Herschbach Jarrell, Ph.D.
Choate, Hall & Stewart
53 State Street
Exchange Place
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Respectfully Submitted,



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3338212v1

Express Mail No.: EL 744195021 US
Date Filed: November 21, 2001

0990596-11201
TOTAL \$ 710.00

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 740.00**Complete if Known**

Application Number	Unassigned
Filing Date	11/21/2001
First Named Inventor	Drazen, et al.
Examiner Name	Unassigned
Group Art Unit	
Attorney Docket No.	0092662-XXXX (BWH 0402)

METHOD OF PAYMENT

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number **03-1721**

Deposit Account Name

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17☐ Applicant claims small entity status. See 37 CFR 1.27

- 2.
- ☒
- Payment Enclosed:**

☒ Check ☐ Credit card ☐ Money Order ☐ Other**FEE CALCULATION****1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	740.00
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 740.00**2. EXTRA CLAIM FEES**

Total Claims **6** -20** = **4** X **180** = **720**

Independent Claims **3** - 3** = **0** X **0** = **0**

Multiple Dependent **0** = **0**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple dependent claim, if not paid	
109	84	209	42	** Reissue independent claims over original patent	
110	18	210	9	** Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	320	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(q)	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.129(b))	
179	740	279	370	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 740.00**SUBMITTED BY**

Name (Print/Type)	Brenda Herschbach Jarrell, Ph.D.	Registration No. (Attorney/Agent)	39,223	Telephone	617-249-5000
Signature		Date	11/21/2001		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

PATENT APPLICATION SERIAL NO. _____

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE
FEE RECORD SHEET

11/27/2001 MWOLDER1 00000039 031721 09990596

01 FC:101 30.00 CH 710.00 DP